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August 12, 2010

Clerk
United State District Court
Northern District of New York
James F. Hanley Federal Building
7th Floor
100 South Clinton Street

Re: David Murphy ads. Flagstar Bank
No.: 1:10-CV-645 (LEK/DRH)
Our File No.: 4246

Dear Sir/Madam:

This firm represents Flagstar Bank in the above-referenced matter. We are in receipt of Mr. Murphy's request for a default judgment. This request should be denied as the bank has filed a timely answer, a copy of which I enclose herewith. The filing can be confirmed on PACER.

Thank you for noting the within.

Very truly yours,

HACKER MURPHY, LLP

By: /s/ John F. Harwick
John F. Harwick
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JFH/llv

cc: Karyn Caldwell
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David Murphy, *Plaintiff Pro Se*
51 Lincoln Avenue
Cohoes, New York 12047 (*Via first class mail*)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DAVID MURPHY, JR.,

Plaintiff,

-against-

FLAGSTAR BANK, FSB,

Defendant.

ANSWER

No. 1:10-CV-645 (LEK/DRH)

Defendant Flagstar Bank, FSB by and through their attorneys Hacker Murphy, LLP as and for their answer to the plaintiff's counterclaim and petition for restraining order hereby sets forth as follows:

1. Defendant Flagstar Bank, FSB admits the allegations contained in paragraphs "1" and "2" of plaintiff's complaint.

2. Defendant denies each and every allegation contained in paragraphs "3" through "170" of plaintiff's counterclaim on information and belief.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE:

3. Plaintiff's complaint fails to state a claim.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE:

4. Plaintiff's claims are barred by the applicable statute of limitations.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE:

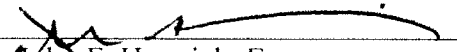
5. Upon information and belief, the court lacks jurisdiction over the answering defendant herein.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE:

6. The plaintiff lacks standing to assert one or more of the causes of action asserted herein.

DATED: August 3, 2010
Latham, New York

HACKER MURPHY, LLP

By: 
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To: David Murphy, Jr.
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